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11 SKY CHEFS, INC.

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 SAUNDRA JOHNSON,
17 individually, and on behalf of all
others similarly situated,

18 Plaintiff,

19 v.

20 SKY CHEFS, INC., a Delaware
21 business entity, and DOE ONE
through and including DOE ONE
22 HUNDRED,

23 Defendants.

Case No: CV11-05619 LHK
Assigned to Hon. Lucy H. Koh

**STIPULATION REGARDING FILING
OF THIRD AMENDED COMPLAINT;
-~~PROPOSED~~ ORDER**

1 Plaintiff Sandra Johnson ("Plaintiff Johnson") and Defendant Sky Chefs, Inc.
2 ("Defendant") (Plaintiff Johnson and Defendant collectively referred to as "the Parties"),
3 by and through their respective counsel, hereby stipulate and agree as follows:

4 **STIPULATION**

5 WHEREAS, on November 21, 2012, Plaintiff Johnson filed a Motion to Strike
6 Defendant's Answer to the operative Second Amended Complaint ("Motion to Strike"),
7 which is currently scheduled to be heard on February 28, 2013;

8 WHEREAS, on Thursday, December 20, 2012 at 8:30 p.m., Plaintiff Johnson filed
9 a Motion for Leave to File a Third Amended Complaint ("Motion for Leave"), which is
10 currently scheduled to be concurrently heard on February 28, 2013 with Plaintiff
11 Johnson's pending Motion to Strike;

12 WHEREAS, on Friday, January 18, 2013, the parties met and conferred regarding
13 Plaintiff's pending Motion for Leave and Motion to Strike;

14 WHEREAS, the parties agreed that they would stipulate that Plaintiff Johnson may
15 file her Third Amended Complaint subject to the following conditions:

16 1. Plaintiff Johnson and Plaintiff Hanifa Habib's ("Plaintiff Habib")
17 claims related to the rest break, minimum wage and overtime allegations in the Third
18 Amended Complaint will not relate back to the date of the filing of the original
19 Complaint in this action; rather, the statute of limitations on these claims will run from
20 December 20, 2012, the date Plaintiff Johnson filed her Motion for Leave;

21 2. Plaintiff Johnson will provide Defendant with a redlined version of
22 the Second Amended Complaint containing all proposed changes and amendments to be
23 included in the Third Amended Complaint; and

24 3. Plaintiff Habib will make herself available for deposition on February
25 12, 2013. Plaintiff Johnson will make herself available for deposition on February 11,
26 2013 or the earliest date possible thereafter.

1 THEREFORE, THE PARTIES STIPULATE AND AGREE TO AS FOLLOWS:

2 1. Plaintiff Johnson may file a Third Amended Complaint, a true and
3 correct copy of which is attached as Exhibit A to the Notice of Lodging of the Third
4 Amended Complaint filed concurrently herewith, and that the Third Amended Complaint
5 shall be deemed filed as of the date of the Judge's signing of this Order;

6 2. The statute of limitations on all of Plaintiff Johnson and Plaintiff
7 Habib's claims related to their rest break, minimum wage and overtime allegations in the
8 Third Amended Complaint will run from December 20, 2012, and will not relate back to
9 the date of the filing of the original Complaint;

10 3. Plaintiff withdraws her Motion for Leave and Motion to Strike; and

11 4. Plaintiff Habib will appear for deposition on February 12, 2013.
12 Plaintiff Johnson will appear for deposition on February 11, 2013 or the earliest date
13 possible thereafter.

14 **IT IS SO STIPULATED.**

15 DATED: JANUARY 25, 2013

HARRIS & RUBLE

16 /s/

17 Alan Harris
18 Priya Mohan
19 *Attorneys for Plaintiffs*

20 DATED: JANUARY 25, 2013

LITTLER MENDELSON

21 /s/

22 Rebecca M. Aragon
23 Anthony G. Ly
24 *Attorneys for Defendant*

25 **PURSUANT TO THE ABOVE STIPULATION AND GOOD CAUSE
26 APPEARING, THEREFORE, IT IS SO ORDERED.**

27 DATED: January 29, 2013

28 
HONORABLE LUCY H. KOH